

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NOBLE COLT, LLC,	:	CIVIL ACTION NO. 1:15-CV-1649
	:	
Plaintiffs	:	(Chief Judge Conner)
	:	
v.	:	
	:	
BILLIE J. KEARSE; J. MICHAEL	:	
FELICIANO; WILMINGTON	:	
FINANCE, INC. FOR MERS;	:	
BENEFICIAL CONSUMER	:	
DISCOUNT COMPANY DBA	:	
BENEFICIAL MORTGAGE CO. OF	:	
PA.; METRO BANK;	:	
COMMONWEALTH OF	:	
PENNSYLVANIA; and UNITED	:	
STATES OF AMERICA,	:	
	:	
Defendants	:	

ORDER & DEFAULT JUDGMENT

AND NOW, this 13th day of April, 2016, upon consideration of the motion (Doc. 18) by plaintiff Noble Colt, LLC (“Noble Colt”), requesting default judgment against defendants Billie J. Kears (“Kears”), J. Michael Feliciano (“Feliciano”), Wilmington Finance, Inc. for MERS (“Wilmington Finance”), Beneficial Mortgage Co. of PA (“Beneficial Mortgage”), Metro Bank, and the Commonwealth of Pennsylvania (“the Commonwealth”), in the above-captioned quiet title action removed to this court on July 17, 2015, from the Court of Common Pleas of York County, Pennsylvania, and it appearing that service was made upon defendants as follows: Wilmington Finance on July 23, 2015 (Doc. 18, Ex. B); Beneficial Mortgage on July 27, 2015 (id. Ex. A at 3); the Commonwealth’s Department of Revenue and Attorney General on July 28, 2015, and Department of Labor and Industry on July 29, 2015, (id. at 2, 5); Metro Bank on July 30, 2015, (id. at 4); and Kears and

Feliciano, by service upon their counsel, on September 14, 2015, (id. Ex. C), but that no defendant identified herein has pled or otherwise defended itself in this litigation, see FED. R. CIV. P. 12, nor has counsel entered an appearance on behalf of Wilmington Finance, Beneficial Mortgage, Metro Bank, or the Commonwealth, none of which may proceed *pro se* before a federal court, see Lawson v. Nat'l Cont.-Progressive Ins. Co., 347 F. App'x 741, 742 (3d Cir. 2009) (nonprecedential) (citing Rowland v. Cali. Men's Colony, 506 U.S. 194, 201-02 (1993)), and that, upon request (Doc. 19) of Noble Colt, the Clerk of Court entered default (Doc. 20) against Kearse, Feliciano, Wilmington Finance, Beneficial Mortgage, Metro Bank, and the Commonwealth on February 12, 2016, see FED. R. CIV. P. 55(a), and the court concluding that, taking the facts in the complaint as true, see Comdyne I, Inc. v. Corbin, 908 F.2d 1142, 1149 (3d Cir. 1990), Noble Colt's *allegata* are sufficient to prove that Noble Colt holds superior and clear title as against defendants identified hereinabove, and further that said defendants have no estate or interest in the real property subject to Noble Colt's complaint (Doc. 1-2), and the court thus concluding that Noble Colt is entitled to declaratory judgment, see FED. R. CIV. P. 55(b)(2), it is hereby ORDERED that:

1. The motion (Doc. 18) for default judgment is GRANTED.
2. Default judgment is ENTERED in favor of plaintiff Noble Colt, LLC ("Noble Colt"), and against defendants Billie J. Kearse ("Kearse"), J. Michael Feliciano ("Feliciano"), Wilmington Finance, Inc. for MERS ("Wilmington Finance"), Beneficial Mortgage Co. of PA ("Beneficial Mortgage"), Metro Bank, and the Commonwealth of Pennsylvania ("the Commonwealth") on Noble Colt's complaint (Doc. 1-2) to quiet title.

3. Kearse, Feliciano, Wilmington Finance, Beneficial Mortgage, Metro Bank, and the Commonwealth are permanently enjoined from asserting any claim to or interest in the following real property, or any part thereof: 27 S. Pine Street, York, Pennsylvania.
4. Counsel for the remaining parties shall file a joint status report within fourteen (14) days of the date of this order, apprising the court of the status of their negotiations and specifically advising whether the parties believe a case management conference is necessary.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania